

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FREEDOM WIRELESS, INC.,

vs.

ALLTEL CORP. ET AL.

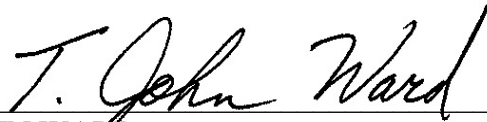
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CASE NO. 2:06-CV-504-TJW-CE

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of the defendants' Motion (#146) to Dismiss, has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the findings and conclusions of this court. Accordingly, the court denies the defendants' motion to dismiss.

SIGNED this 24th day of September, 2008.



T. JOHN WARD

UNITED STATES DISTRICT JUDGE